



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

OCT 04 2018

Ms. Pat L. Vincent
South Carolina Department of Health and
Environmental Control
Site Assessment, Remediation and Revitalization Division
2600 Bull Street
Columbia, South Carolina 29201

RE: Freedom of Information Request No. EPA-R4-2018-010897

Dear Ms. Vincent:

This letter is in response to a Freedom of Information Act (FOIA) request submitted on August 24, 2018, for information pertaining to orders, settlements and documents regarding the Starmet CMI facility in Barnwell, South Carolina.

Please find enclosed a CD containing documents which are responsive to your request. After carefully reviewing all requested records with an eye toward disclosure, we are unable to provide you with the documents or portions of documents which have been determined to be exempt from mandatory disclosure by virtue of 5 U.S.C. § 552 (b)(5) of the FOIA.

Exemption 5 of the FOIA protects "inter-agency or intra-agency" memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency. The most commonly invoked privilege incorporated within Exemption 5 is the deliberative process privilege, the general purpose of which is to "prevent injury to the quality of agency decisions." Specifically, three policy purposes consistently have been held to constitute the basis for the privilege: (1) to encourage open, frank discussions on matters of policy between subordinates and superiors; (2) to protect against premature disclosure of proposed policies before they are actually adopted; and (3) to protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for an agency's action.

The attorney work-product privilege protects documents and other memoranda prepared by an attorney or under the direction of an attorney in contemplation of litigation, as its purpose is to protect the adversarial trial process by insulating the attorney's preparation from scrutiny.

This letter concludes our response to your request. You may appeal this response by email at hq.foia@epa.gov, or by mail to the National Freedom of Information Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460 or through FOIAonline if you are an account holder. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, N.W., Room 5315, Washington, DC 20460. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the

Index of Documents Released
FOIA Number: EPA-R4-2018-010897

Document#	Description of Record	# of Pages	Redacted	Exemption (s)
10513645	Administrative Orders on Consent			
10513643	" "			
10302883	" "			
10513835	" "			
10115041	" "			
10603523	SC County of Richland Statement of the			
10600365	Case/SC document			
10603527				
10603646	EPA Letter Unilateral Administrative Order			
10603525	SC Emergency and Administrative Order			
10400845	DOJ De Minimis Settlement Agreement			
10603666	SC re: Starmet Emergency Order			
10603685	SC Starmet Emergency Order			
10301773	Administrative Order Bill for Amended Oversight			
10301774	Scorpions Report			

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Index of Documents Withheld
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U.S.C. § 552 (b)(5)

Document#	Description of Record	# of Pages	Redacted	Exemption (s)
	Administrative Order on Consent/Ten Point Settlement	10	10-Point Analysis	(b)(5)